

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
Plaintiff, ) Case No. 07-MJ-284  
v. )  
JOHN MALCOLM STEWART, ) DETENTION ORDER  
Defendant. )  
\_\_\_\_\_ )

Offenses charged:

Count 1: Misrepresenting a Social Security Number in violation of 42 U.S.C. § 408(a)(7)(B).

Count 2: Aggravated Identity Theft in violation of 18 U.S.C. § 1028(A).

Date of Detention Hearing: June 14, 2007.

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
19 based upon the factual findings and statement of reasons for detention hereafter set forth,  
20 finds the following:

## FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is facing serious charges of identity theft.

23 (2) Defendant continued to commit acts of identity theft even after the execution  
24 of a March 2007 search warrant involving identity theft.

25 (3) Defendant has an extensive criminal background history, including a history  
26 of probation violations, indicating an inability or unwillingness to follow court orders.

01 (4) The Assistant United States Attorney proffered evidence indicating that  
02 defendant was planning to flee the jurisdiction to Oklahoma after the execution of a  
03 March 2007 search warrant.

04 (5) Defendant is not employed.

05 (6) Defendant appears to have an on-going substance-abuse problem.

06 (7) There appear to be no conditions or combination of conditions other than  
07 detention that will reasonably address the risk of flight and danger to other persons or the  
08 community.

09 **IT IS THEREFORE ORDERED:**

10 (1) Defendant shall be detained pending trial and committed to the custody of the  
11 Attorney General for confinement in a correction facility separate, to the  
12 extent practicable, from persons awaiting or serving sentences or being held in  
13 custody pending appeal;

14 (2) Defendant shall be afforded reasonable opportunity for private consultation  
15 with counsel;

16 (3) On order of a court of the United States or on request of an attorney for the  
17 government, the person in charge of the corrections facility in which  
18 defendant is confined shall deliver the defendant to a United States Marshal  
19 for the purpose of an appearance in connection with a court proceeding; and

20 (4) The Clerk shall direct copies of this Order to counsel for the United States, to  
21 counsel for the defendant, to the United States Marshal, and to the United  
22 States Pretrial Services Officer.

23 DATED this 14th day of June, 2007.

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26 JAMES P. DONOHUE  
United States Magistrate Judge